

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No. \_\_\_\_\_  
OBLM 101

Total Pages in this Submission  
**21**

**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Small Entity Statement(s) - Specify Number of Statements Submitted: 1
17. ☐ Additional Enclosures (please identify below):

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	5	- 20 =	0	x \$11.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$41.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$305.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$305.00

- ☒ A check in the amount of **\$305.00** to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☐ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: 10/5/98

  
Signature

cc:

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
OBLM 101Total Pages in this Submission  
22**TO THE ASSISTANT COMMISSIONER FOR PATENTS****Box Patent Application  
Washington, D.C. 20231**

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**BALL THROWING APPARATUS AND METHOD**

and invented by:

**Mark Oblack**a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 7 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Microfiche Appendix *(if applicable)*
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☐ Brief Description of the Drawings *(if drawings filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
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Total Pages in this Submission  
21

## Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☐ Formal      b. ☒ Informal      Number of Sheets 3
4. ☒ Oath or Declaration
- a. ☒ Newly executed (original or copy)      ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission (if applicable, all must be included)
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8. ☐ Assignment Papers (cover sheet & documents)
9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☐ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail (Specify Label No.): EL001997401US

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

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16. ☒ Small Entity Statement(s) - Specify Number of Statements Submitted: 1
17. ☐ Additional Enclosures (please identify below):

## Fee Calculation and Transmittal

### CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Ind. Claims	5	- 20 =	0	x \$11.00	\$0.00
Dep. Claims	2	- 3 =	0	x \$41.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$305.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$305.00

- ☒ A check in the amount of **\$305.00** to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. A duplicate copy of this sheet is enclosed.
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  - ☐ Credit any overpayment.
  - ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: 10/5/98

  
Signature

CC:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (b)) - INDEPENDENT INVENTOR**

Docket No.  
**OBLM 101**

Serial No.

Filing Date

Patent No.

Issue Date

Applicant/ **Mark Oblack**  
Patentee:

Invention: **BALL THROWING APPARATUS AND METHOD**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled above and described in:

- ☒ the specification to be filed herewith.  
☐ the application identified above.  
☐ the patent identified above.

have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ No such person, concern or organization exists.  
☐ Each such person, concern or organization is listed below.

**\*NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

FULL NAME  
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR Mark Oblack

SIGNATURE OF INVENTOR 

DATE: 10/5/98

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

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DATE: \_\_\_\_\_

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11 **TITLE: BALL THROWING APPARATUS AND METHOD**

12 **BACKGROUND OF THE INVENTION**

13 1. Field of the Invention:

14 This invention relates to apparatus for throwing a ball, and more particularly, to  
15 such apparatus designed to play the game of fetch with an animal.

16  
17 2. Description of the Related Art:

18 Many dogs are natural retrievers which enjoy retrieving objects such as sticks or  
19 balls. Unfortunately, the stick or ball are thrown at great distances for long periods of time  
20 which makes a person's back and arm tired before the animal is ready to rest.

21 To reconcile this problem, some individuals have resorted to using a bat or tennis  
22 racket for hitting the ball great distances. Still other individuals use catapults or often  
23 sporting devices intended for other sports, such as a jai-alai cesta.

24 In addition to one's back and arm becoming tired, another drawback with playing  
25 the game of fetch with a dog is having to physically pick up the ball with your hands.  
26 Typically, after a few throws, the ball is covered with dog saliva which can be distasteful  
27 and unhealthy to touch.

1 A further drawback is the possibility of getting bit by the dog when initially picking  
2 up the ball off the ground after the dog has dropped it.

3 A ball throwing apparatus which overcomes all of the above drawbacks is needed.  
4

### 5 SUMMARY OF THE INVENTION

6 It is an object of the present invention to provide a ball throwing apparatus.

7 It is another object of the present invention to provide such an apparatus that can be  
8 used to play the game of fetch with an animal without physically touching the ball with the  
9 hand or fingers.

10 It is a further object of the invention to provide such an apparatus that is safe, easy  
11 to use and economical to manufacture.

12 It is still further object to provide a method of playing the game of fetch with an  
13 animal.

14 These and other objects are met by a ball throwing apparatus including an elongated  
15 shaft with a ball engaging means attached or formed on the distal end of the shaft. The ball  
16 engaging means is designed to allow the user to easily engage and pick up a ball for  
17 throwing without having to touch the ball with your hand or fingers. The ball engaging  
18 means is also designed to release the ball when the shaft is held near its proximal end and  
19 swung. Also, disclosed is a method of playing ball with an animal using the apparatus.  
20

### 21 BRIEF DESCRIPTION OF THE DRAWINGS

22 Fig. 1 is a perspective view showing an individual using the apparatus to throw a  
23 ball.

24 Fig. 2 is a perspective showing the apparatus being used to remove a ball from a  
25 position in front of a dog.

26 Fig. 3 is a front elevation view of the apparatus.

27 Fig. 4 is a side elevational view of the apparatus.



1 Fig. 5 is a perspective view showing a ball engaged in the head.

2 Fig. 6. is another perspective view, similar to the view shown in Fig. 4.

### 3 4 DESCRIPTION OF THE PREFERRED EMBODIMENT(S)

5 As shown in the accompanying Figs. 1-6 a ball throwing apparatus 6 including an  
6 elongated shaft 8 with a flexible upper neck portion 10 extending from a lower handle  
7 portion 12. Integrally formed over the distal end of the neck portion 10 is a half-spherical  
8 structure 20 which acts as a ball engaging means designed to snap-fit around a standard  
9 tennis ball 60.

10 The elongated shaft 8 has a sufficient length so that a ball 60 may be easily thrown  
11 great distances during use. The elongated shaft 8 also has sufficient length to enable the ball  
12 60 to be easily and safely engaged, when resting adjacent to the animal, without touching the  
13 ball 60 or the animal's saliva 63 with one's hands or fingers as shown in Fig. 2.

14 The shaft 8 is made of a single curved piece of resilient, lightweight material, such  
15 as polypropylene plastic, that has sufficient shape memory and flexibility. The upper neck  
16 portion 10 of the shaft 8 is stiff yet slightly flexible, acting as a spring when engaging the  
17 ball on the ground and when throwing the ball 60. In the preferred embodiment, the neck  
18 portion 10 is tapered as shown in Fig. 4.

19 When viewed from a side view (Fig. 4) the handle 12 is wider than the neck portion  
20 10 and includes finger gripping features 13 for easier handling. In the embodiment shown,  
21 the center portion 15 of the handle 12 is recessed on both sides thereby reducing the overall  
22 weight of the shaft 8.

23 In the preferred embodiment, the half-spherical structure 20 has an inner radius  
24 equally to or slightly smaller than the outer radius of a tennis ball 60. Formed on the distal  
25 and proximal surfaces of the spherical structure 20 are a plurality of curved, equally  
26 spaced apart flexible leafs 30 that curve and substantially follow the outer radius of the ball  
27 60. The leafs 30 extend past the mid-axis of the ball 60 when the ball is attached inside the

1 half-spherical structure 20. When attaching a ball to the half-spherical structure 20, the  
2 half-spherical structure 20 is positioned above the ball and pressed downward. The leafs  
3 30 bend outward to snap around the ball and hold it inside the half-spherical structure 20.

4 In the preferred embodiment, the shaft 8 is between 18 and 32 inches in length.  
5 The half-spherical structure 20 is integrally formed on the shaft 8 and is made of material  
6 identical to the shaft 8. The half-spherical structure 20 has an inside radius of  
7 approximately 1-1/4 inches thereby enabling it to tightly receive a standard tennis ball  
8 which measures approximately 2-1/4 inches in diameter. As shown in Fig. 4, the shaft 8 is  
9 slightly curved in a rearward direction and the half-spherical structure 20 is aligned on the  
10 distal end of the shaft 8 so that the opening plane 24 of the half-spherical structure 20 is  
11 aligned approximately between 5 degrees forward and 33 degrees behind a line 14' parallel  
12 to shaft's longitudinal axis 14. By slightly curving the shaft 8, the user is able to reach  
13 under the animals mouth while standing adjacent to the animal.

14 Using the above ball throwing apparatus 6, a method of playing the game of fetch  
15 with an animal is provided using the following steps:

- 16 a. selecting an elongated shaft with a ball engaging means disposed at its distal  
17 end, said ball engaging means capable of engaging a ball without the aid of  
18 one's hands or fingers and capable of releasing a ball when said shaft is  
19 swung;
- 20 b. holding the proximal of said shaft;
- 21 c. attaching a ball to said ball engaging means while holding said shaft; and
- 22 d. swinging said shaft while holding said proximal end thereby causing said  
23 ball to be released from said ball engaging means.

24 In compliance with the statute, the invention, described herein, has been described  
25 in language more or less specific as to structural features. It should be understood,  
26 however, the invention is not limited to the specific features shown, since the means and  
27 construction shown comprised only the preferred embodiments for putting the invention

1 into effect. The invention is, therefore, claimed in any of its forms or modifications within  
2 the legitimate and valid scope of the amended claims, appropriately interpreted in  
3 accordance with the doctrine of equivalents.  
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## CLAIMS

### I claim:

1. A ball throwing apparatus, comprising:
  - a. an elongated shaft having a longitudinal axis and opposite distal and proximal ends; and
  - b. a ball engaging means located on said distal end of said shaft, said ball engaging means capable of engaging a ball while holding said shaft and forcibly inserting said ball engaging means around the ball, said ball engaging means capable of releasing the ball when said shaft is held near said distal end of said shaft and swung in a circular path.
2. A ball throwing apparatus, as recited in Claim 1, wherein said ball engaging means is a half-spherical structure capable of snap fitting around a ball, said half-spherical structure having an opening.
3. A ball throwing apparatus, as recited in Claim 1, wherein said elongated shaft is rearwardly curved.
4. A ball throwing apparatus, as recited in Claim 2, wherein the opening of angle of said half-spherical structure is aligned approximately 5 degrees forward and 33 degrees behind the shaft's longitudinal axis.
5. A method of playing the game of fetch, including the following steps:
  - a. selecting an elongated shaft with a ball engaging means disposed at its distal end, said ball engaging means capable of engaging a ball without the aid of one's hands or fingers and capable of releasing a ball when said shaft is swung;
  - b. holding the proximal end of said shaft;
  - c. attaching a ball to said ball engaging means while holding said shaft; and
  - d. swinging said shaft while holding said proximal end thereby causing said ball to be released from said ball engaging means.

## ABSTRACT OF THE DISCLOSURE

These and other objects are met by a ball throwing apparatus including an elongated shaft with a half-spherical structure attached to or formed at its distal end designed to easily engage and pick up a ball for throwing without having to touch the ball with your hand or fingers. Also disclosed herein is a method of playing the game of fetch with an animal using the apparatus.

Docket No.  
OBLM 101

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**BALL THROWING APPARATUS AND METHOD**

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as United States Application No. or PCT International

Application Number \_\_\_\_\_

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority Not Claimed
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

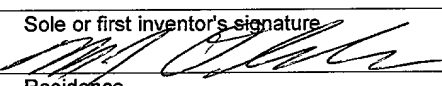
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Dean A. Craine #33591

Send Correspondence to: **CRAINE ASSOCIATES, INC.**  
**400 112th Avenue NE, Suite 380**  
**Bellevue WA 98004**

Direct Telephone Calls to: *(name and telephone number)*  
**(425) 637-3035**

Full name of sole or first inventor <b>Mark Oblack</b>	
Sole or first inventor's signature 	Date <b>10/5/98</b>
Residence <b>900 SW Cedarglade, Issaquah, Washington 98027</b>	
Citizenship <b>US Citizen</b>	
Post Office Address <b>900 SW Cedarglade</b>	
<b>Issaquah, Washington 98027</b>	

Full name of second inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



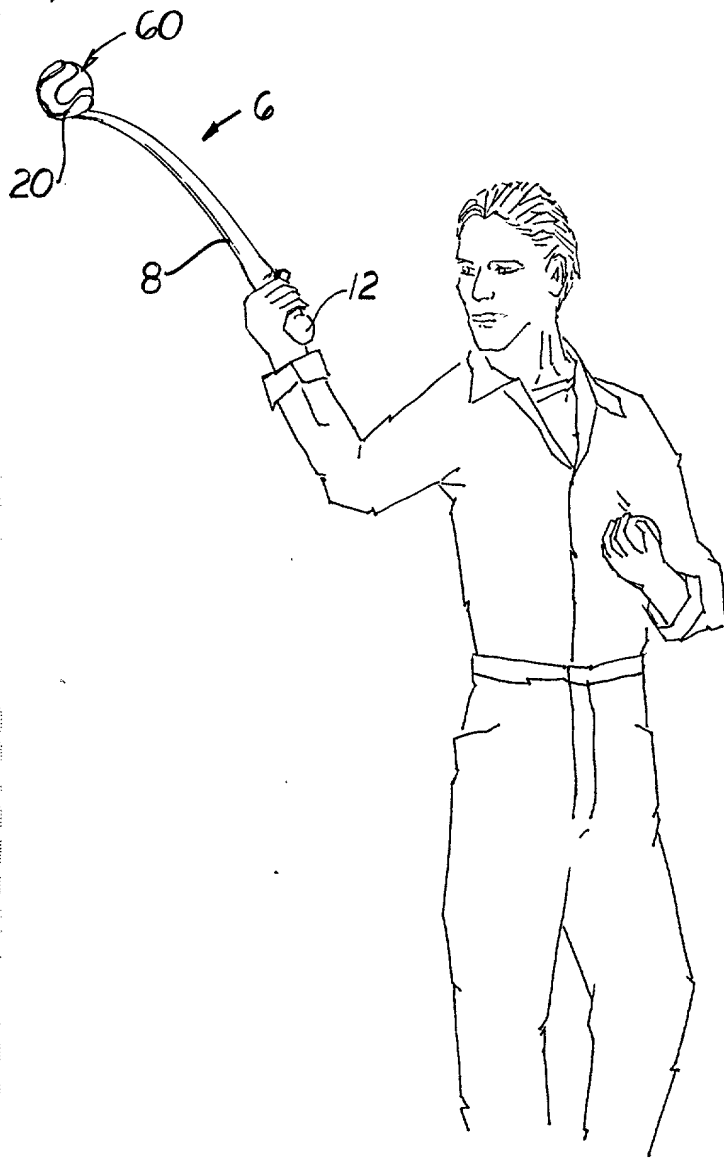


FIG 1

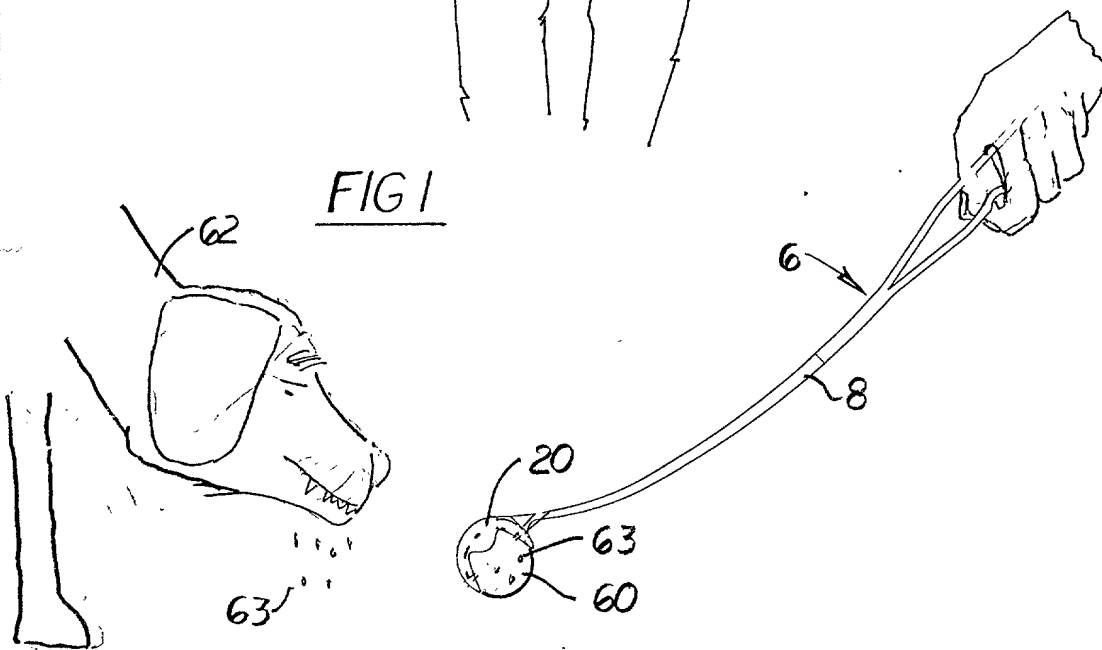


FIG 2

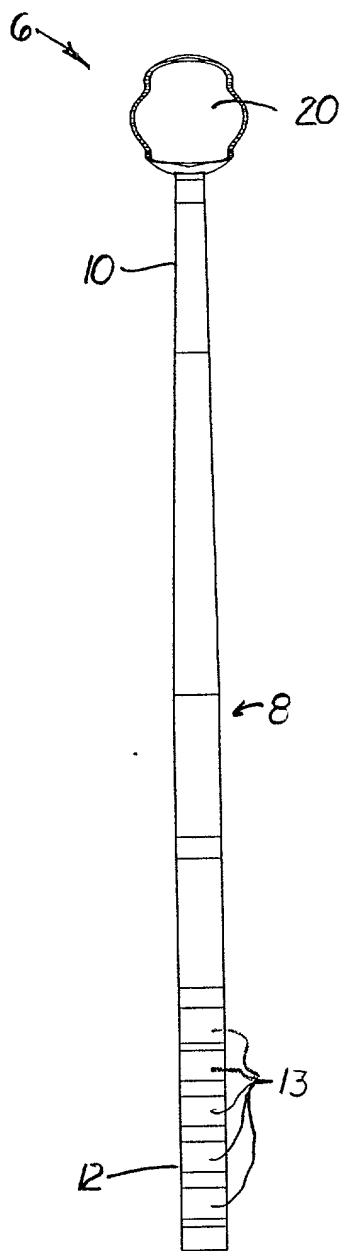


FIG. 3

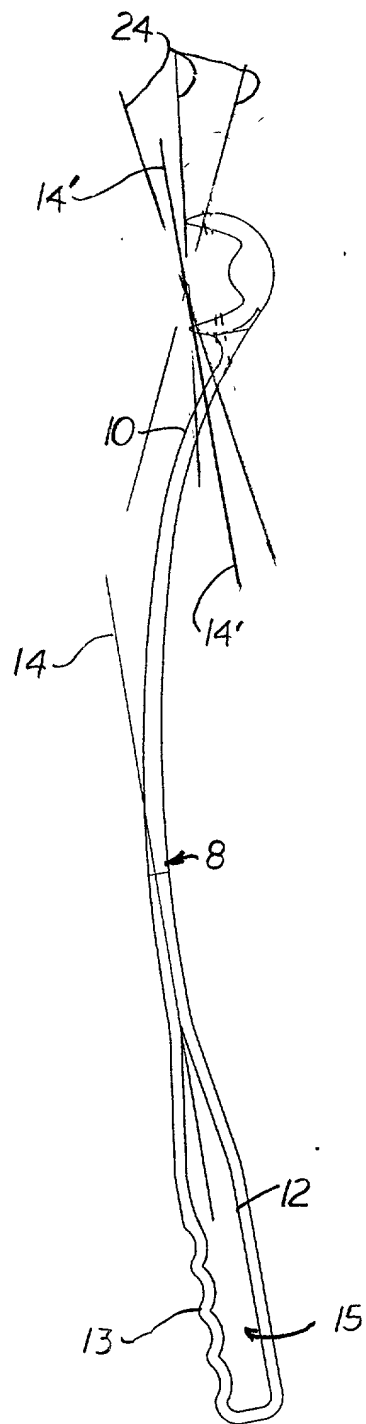


FIG. 4

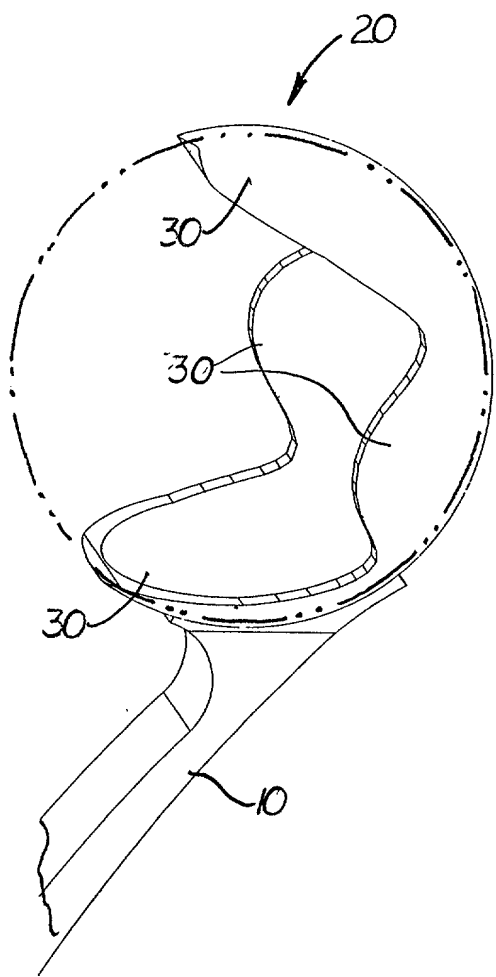


FIG. 5

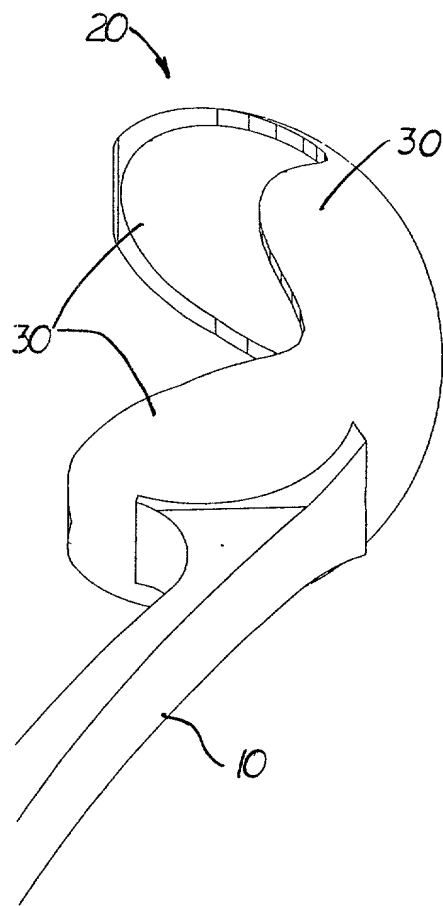


FIG. 6